

Application No. 09/980,388
Applicant: Inge KRUSE et al.
Amendment Under R1.111 Dated February 25, 2005

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claims 12-32 were rejected under 35 USC § 103(a) as being obvious over Plaschke, U.S. Patent No. 6,409,996, in view of Hegenauer, U.S. Patent No. 6,197,813. In response, Applicants point out that the claims are now limited to alleviating sunburn. The Examiner's allegation is that prevention of sunburn would have been *prima facie* obvious. Since the instant claims no longer embrace the prevention of sunburn, Applicants submit that the present claims are not obvious over the cited combination of references. In this regard, there is nothing in Plaschke or in Hegenauer or in their combination that teaches or suggests the instantly claimed method of alleviating sunburn.

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In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

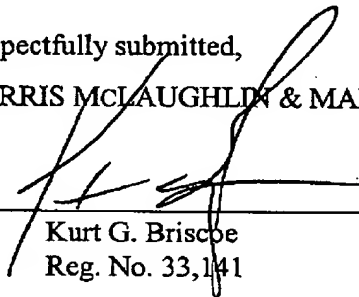
Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 and the accompanying Petition for Extension of Time (10 pages total) are being transmitted via facsimile to the United States Patent and Trademark Office on the date indicated below:

Date: February 25, 2005

By


Kurt G. Briscoe